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Attorneys for Plaintiffs
THOMAS WEISEL PARTNERS LLC and
THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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THOMAS WEISEL PARTNERS LLC, a
Delaware limited liability company, and
THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED, an Indian company,

Plaintiffs,

v.

BNP PARIBAS, a French corporation, BNP
PARIBAS SECURITIES (ASIA) LIMITED,
a Hong Kong company, and PRAVEEN
CHAKRAVARTY, an individual,

Defendants.

No. CV-07-06198 MHP

Action Filed: December 6, 2007

DECLARATION OF MARK A. SHEFT
IN SUPPORT OF STIPULATION
BETWEEN PLAINTIFFS AND
DEFENDANT PRAVEEN
CHAKRAVARTY AND [PROPOSED]
ORDER RE SERVICE OF PROCESS,
FILING OF MOTIONS,
JURISDICTIONAL DISCOVERY AND
CASE MANAGEMENT CONFERENCE
(Civil L. R. 6-2)

1 I, Mark A. Sheft, declare as follows:

2 1. I am a Director of the law firm of Howard Rice Nemerovski Canady Falk &
3 Rabkin, A Professional Corporation, counsel of record for Plaintiffs Thomas Weisel Partners
4 LLC and Thomas Weisel International Private Limited (collectively “TWP”). The facts
5 stated herein are based on my own personal knowledge, and if called as a witness, I could
6 and would testify as set forth below.

7 **A. Background**

8 2. On December 6, 2007, TWP filed the Complaint in the above-captioned action.
9 On January 15, 2008, TWP filed a First Amended Complaint.

10 3. On February 15, 2008, TWP and BNP Paribas and BNP Paribas Securities (Asia)
11 Limited (collectively “the BNP Paribas Defendants”) stipulated—and the Court later
12 Ordered—that the Court would hear and resolve the BNP Paribas Defendants’ motion to
13 dismiss for lack of personal jurisdiction and forum non conveniens (the “Jurisdiction
14 Motion”) before considering challenges to the sufficiency of the claims alleged in the First
15 Amended Complaint. *See* Docket Entry Nos. 13 and 17.

16 4. On March 20, 2008, TWP and the BNP Paribas Defendants stipulated—and the
17 Court later Ordered—that the briefing schedule and hearing date for the BNP Paribas
18 Defendants’ Jurisdiction Motion (filed on March 7, 2008 and originally noticed for a hearing
19 on April 28, 2008) would be revised to permit limited jurisdictional discovery. *See* Docket
20 Entry Nos. 26 and 29.

21 5. Defendant Praveen Chakravarty was served with the Summons and First
22 Amended Complaint on March 5, 2008. I understand that he anticipates arguing that the
23 Court lacks *in personam* jurisdiction over him, and that a dismissal is required under the
24 *forum non conveniens* doctrine (the “Chakravarty Jurisdiction Motion”). I further
25 understand that he may file challenges to the sufficiency of the First Amended Complaint.

26 6. In the context of discussing when Chakravarty’s responsive pleading would be
27 due, I and his California counsel discussed a stipulation that would coordinate Chakravarty’s
28

anticipated motions into the schedule TWP and the BNP Defendants previously negotiated and the Court approved.

B. Motions, Jurisdictional Discovery, Briefing and Hearing Schedule

7. As a result of these discussions, we and Chakravarty's counsel agreed that Chakravarty will file and serve the Chakravarty Jurisdiction Motion on April 24, 2008. Thereafter, limited jurisdictional discovery shall be conducted, but discovery directed solely to the merits of the issues in the Complaint (including Initial Disclosures) shall be deferred until the Court decides the Chakravarty Jurisdiction Motion.

8. It was further agreed that, after resolution of any discovery disputes and completion of jurisdictional discovery—which we expect will take about two months (depending on whether any discovery-related motion practice ensues)—the parties (including the BNP Paribas Defendants) will meet and confer to discuss a schedule for the balance of the briefing and propose to the Court a mutually acceptable briefing and hearing date for the motions. The stipulation filed herewith recites that “In all events, absent the Parties’ mutual consent or leave of Court, the hearing on the [Chakravarty] Jurisdiction Motion will occur no later than July 28, 2008.”

9. Chakravarty will file any motion challenging the sufficiency of the claims alleged in the First Amended Complaint no later than 21 days after the Court issues an order on the Chakravarty Jurisdiction Motion. TWP's Opposition will be due 23 days thereafter, and any Reply will be due 15 days after the Opposition is filed. Chakravarty's motion challenging the sufficiency of the First Amended Complaint—along with any similar motions by the BNP Defendants—will be heard as soon thereafter as the Court's schedule permits or at another date mutually agreed upon by the parties and acceptable to the Court.

10. The accompanying stipulation memorializes these and certain other agreements.

11. The parties have not previously modified any case deadlines affecting Chakravarty, whether by stipulation or court order.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct, and that this Declaration was executed on this 3rd day of April, 2008, at San Francisco, California.

/s/
MARK A. SHEFT

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& RABKIN
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